



**Minutes for Meeting of
Thursday, August 13, 2015**

Item 1: Call to Order

Commission Chair John O'Neill called the meeting to order at 5:00 p.m.

Item 2: Roll Call

Present – Commission Chair John O'Neill, Commissioners Deborah Cochran, Faye Detsky-Weil, Alex Kreit and Greg Zinser

Absent – Commission Vice-Chair Clyde Fuller

Staff – Executive Director Stacey Fulhorst, General Counsel Christina Cameron, Program Manager Steve Ross, Investigator Lauri Davis, and Auditor Rosalba Gomez

Item 3: Approval of Commission Minutes

Approval of Ethics Commission Minutes of July 9, 2015

Motion: Approve
Moved/Seconded: Zinser/Detsky-Weil
Vote: Carried Unanimously
Absent: Fuller

Item 4: Non-Agenda Public Comment

None

Item 5: Commissioner Comment

None

Item 6: Executive Director Comment

None

Item 7: General Counsel Comment

None

Item 8: Proposed Amendments to the Election Campaign Control Ordinance

Executive Director Fulhorst reiterated that the Commission was asked by Councilmember Gloria and the Charter Review Committee to consider two types of additional disclosures applicable to petitions: the first involves the filing of additional campaign statements, and the second involves disclosures printed on petitions. With respect to the printing of disclosures on petitions, she reported that the City Attorney's Office has researched the issue and determined that it is preferable to include a generic disclosure, rather than identify specific committees and major donors, in order to avoid a situation in which voters are signing different petitions that are then submitted to the City Clerk.

With respect to a generic disclosure on petitions advising voters that information regarding funding sources is available, staff recommends that such a requirement be included in the section of the Municipal Code regulated by the City Clerk, and not in ECCO, because it is similar to other petition printing/disclosure guidelines that currently exist in that section of the Municipal Code.

With respect to the filing of additional campaign statements during the signature-gathering phase, Ms. Fulhorst indicated that the draft amendments to ECCO are ready for the Commission's approval. If approved, she will report back to the Charter Review Committee that the Commission supports the recommendation and has drafted corresponding amendments to the Municipal Code. Ms. Fulhorst explained that the additional filing requirements would require committees to file a Form 497 within ten days of the date petition circulations begins, disclosing contributions of \$100 or more received since the most recently-filed campaign statement, or since January 1 of the current calendar year if the committee has not filed any other campaign statements. Additionally, committees would be required to file Forms 497 within twenty-four hours to disclose contributions of \$1,000 or more received during the signature-gathering period, and Forms 496 within twenty-four hours to disclose independent expenditures of \$1,000 or more made to support or oppose the petition drive.

Commissioner Kreit asked Deputy City Attorney Sharon Spivak to provide some additional information concerning her research into the issues concerning disclosures printed on petitions. Ms. Spivak noted that requiring unique "paid for by" disclosures identifying committees and major donors would result in different petitions being circulated for the same referendum or initiative. As a result, voters could be confused and sign the petition more than one time. Additionally,

she explained that there is no provision in the law for more than one petition to be in circulation and submitted to the City Clerk for certification. It would also make it harder for proponents to circulate these petitions. Consequently, there would be an increased potential for a legal challenge. She mentioned that an alternative approach would be to alert prospective signers of the committees or donors funding the petition effort by providing them with that information on a separate document or by alerting them to a website containing the information.

Commissioner Detsky-Weil asked Ms. Spivak whether prospective signers would have information regarding funding sources available to them before they sign the petition. Ms. Spivak said that this is the goal, and that there could be a list of donors made available to prospective signers or some other means of providing the information other than on the actual petition itself.

Motion: Approve Proposed Amendments
Moved/Seconded: Kreit/Cochran
Vote: Carried Unanimously
Absent: Fuller

Item 9: Adoption of Commission Calendar for 2016

Motion: Approve
Moved/Seconded: Detsky-Weil/O'Neill
Vote: Carried Unanimously
Absent: Fuller

Item 10: Presentation of Final Audit Report Regarding San Diego Consumers for Choice, sponsored by Wal-Mart Stores, Inc.

Motion: Accept Report
Moved/Seconded: Zinser/Detsky-Weil
Vote: Carried Unanimously
Absent: Fuller

Item 11: Discussion and Possible Action Regarding Executive Director Compensation

Motion: Approve 6.25% Salary Increase for Executive Director
Moved/Seconded: Zinser/Kreit
Vote: Carried Unanimously
Excused: Fuller

Item 12: Adjourn to Closed Session

Commission Chair John O'Neill adjourned the meeting to closed session at approximately 5:25 p.m. He stated the Commission would reconvene into open session following the conclusion of closed session in order to report any action taken during the closed session portion of the meeting.

Reconvene to Open Session

Commission Chair John O'Neill called the meeting back into open session at approximately 6:40 p.m.

Reporting Results of Closed Session Meeting of August 13, 2015:

Ms. Cameron reported the results of the closed session meeting of August 13, 2015:

Item-1: Conference with Legal Counsel (6 potential matters)

Case No. 2015-03 - Reporting Campaign Contributions: Lobbying Firm

Motion: Approve Stipulation
Moved/Seconded: Cochran/O'Neill
Vote: Carried Unanimously
Absent: Fuller

Case No. 2015-05 - Reporting Campaign Contributions: Lobbying Firm

Motion: Approve Stipulation
Moved/Seconded: Detsky-Weil/O'Neill
Vote: Carried Unanimously
Absent: Fuller

Case No. 2015-06 - Reporting Campaign Contributions: Organization Lobbyist

Motion: Approve Stipulation
Moved/Seconded: Zinser/Cochran
Vote: Carried Unanimously
Absent: Fuller

Case No. 2015-08 - In Re: Mass Campaign Literature

Motion: Dismiss
Moved/Seconded: Detsky-Weil/Cochran
Vote: Carried Unanimously
Absent: Fuller

Case No. 2015-09 - In Re: Vendor Credit

Motion: Dismiss
Moved/Seconded: Kreit/O'Neill
Vote: Carried Unanimously
Absent: Fuller

Case No. 2015-10 - In Re: Vendor Credit

Motion: Dismiss
Moved/Seconded: O'Neill/Detsky-Weil
Vote: Carried Unanimously
Absent: Fuller

Item-2: Conference with Legal Counsel (1 potential matter)

Staff: General Counsel Christina Cameron Only

Case No. 2013-15 – In Re: Advantage Towing Company and Ayman Arekat - Alleged Making of Contributions in the Name of Another

No Reportable Action

Adjournment

The meeting adjourned at approximately 6:45 p.m.

[Redacted]

John O'Neill, Commission Chair
Ethics Commission

[Redacted]

Stacey Fulhorst, Executive Director
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.